

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SCOTT DAMON RICHARDSON,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 3:17-CV-2587-D
VS.	§	
	§	
LARRY DWIGHT,	§	
	§	
Defendant.	§	

ORDER AND ORDER OF REFERENCE

After making an independent review of the pleadings, files, and records in this case, and the December 28, 2017 findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted, and defendant's September 22, 2017 motion to dismiss is granted.

After the magistrate judge filed his findings, conclusions, and recommendation, plaintiff filed what appears to be an amended complaint. Defendant filed on January 19, 2018 a response or alternative motion to strike or dismiss the amended complaint.


Pursuant to 28 U.S.C. § 636(b)(1)(B), the court refers to United States Magistrate Judge David L. Horan for recommendation defendant's January 19, 2018 alternative motion to strike or dismiss the amended complaint. Judge Horan may conduct a hearing if he determines that a hearing is necessary. Without suggesting that the amended complaint overcomes defendant's entitlement to immunity, the court must ensure that plaintiff, a *pro se* litigant, has had a least one opportunity to plead his best case before dismissing it at the pleading stage.

This order of reference also prospectively refers all procedural motions (*e.g.*, to modify

briefing limitations, to supplement a motion, or for an expedited hearing) hereafter filed by a party who supports or opposes the referred motion, and that relate to the United States Magistrate Judge's resolution of the referred motion.

SO ORDERED.

January 30, 2018.


SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE